

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals
for the Second Circuit, held at the Daniel Patrick Moynihan
United States Courthouse, 500 Pearl Street, in the City of
New York, on the 21st day of December, two thousand nine.

PRESENT:

JOSEPH M. McLAUGHLIN,
JOSÉ A. CABRANES,
RICHARD C. WESLEY,
Circuit Judges.

QING MEI LIN,
Petitioner,

v.

ERIC H. HOLDER, JR., UNITED STATES
ATTORNEY GENERAL,
Respondent.

09-2123-ag
NAC

FOR PETITIONER: Peter D. Lobel, New York, New York

1 **FOR RESPONDENT:** **Tony West, Assistant Attorney**
2 **General; Carl H. McIntyre, Assistant**
3 **Director; W. Daniel Shieh, Trial**
4 **Attorney, Office of Immigration**
5 **Litigation, Civil Division, United**
6 **States Department of Justice,**
7 **Washington, D.C.**
8

9 UPON DUE CONSIDERATION of this petition for review of a
10 decision of the Board of Immigration Appeals ("BIA"), it is
11 hereby ORDERED, ADJUDGED, AND DECREED, that the petition for
12 review is DENIED.

13 Qing Mei Lin, a native and citizen of the People's
14 Republic of China, seeks review of an April 21, 2009, order
15 of the BIA denying his motion to reopen. *In re Qing Mei Lin*,
16 No. A078 688 796 (B.I.A. Apr. 21, 2009). We assume the
17 parties' familiarity with the underlying facts and
18 procedural history of this case.

19 We review the BIA's denial of Lin's motion to reopen
20 for abuse of discretion. *Ali v. Gonzales*, 448 F.3d 515, 517
21 (2d Cir. 2006). An alien may only file one motion to reopen
22 and must do so within 90 days of the final administrative
23 decision. 8 C.F.R. § 1003.2(c)(2). However, there is no
24 time or numerical limitation where the alien establishes
25 materially "changed circumstances arising in the country of
26 nationality." 8 C.F.R. § 1003.2(c)(3)(ii). Here, the BIA

1 did not abuse its discretion in denying Lin's motion to
2 reopen, which was indisputably untimely. See 8 C.F.R.
3 § 1003.2(c)(2).

4 As the BIA found, Lin's alleged conversion to
5 Christianity was a change in his personal circumstances, not
6 a change in country conditions. See *Yuen Jin v. Mukasey*,
7 538 F.3d 143, 155 (2d Cir. 2008). Lin asserts, however, that
8 he presented evidence both that he had converted to
9 Christianity and that conditions for Christians in China
10 have recently worsened. But changing one's personal
11 circumstances in a way that coincides with changes in one's
12 country-years after being ordered removed-does not meet the
13 changed country conditions exception set forth in INA
14 § 1229a(c)(7)(C)(ii). As we have observed, the existing
15 legal system does not permit aliens who have been ordered
16 removed "to disregard [those] orders and remain in the
17 United States long enough to change their personal
18 circumstances (e.g., by having children or practicing a
19 persecuted religion) and initiate new proceedings via a new
20 asylum application." *Yuen Jin*, 538 F.3d at 155. Indeed,
21 the law contains provisions specifically designed to prevent
22 the manufacturing of new asylum claims, and those provisions

1 would be defeated by allowing aliens to change their
2 personal circumstances in response to changes in their
3 country and thereby reopen their removal proceedings closed
4 years prior. See *Wei Guang Wang v. BIA*, 437 F.3d 270, 274
5 (2d Cir. 2006). Therefore, we find no abuse of discretion
6 in the BIA's denial of Lin's motion to reopen.

7 For the foregoing reasons, the petition for review is
8 DENIED. As we have completed our review, any stay of
9 removal that the Court previously granted in this petition
10 is VACATED, and any pending motion for a stay of removal in
11 this petition is DISMISSED as moot. Any pending request for
12 oral argument in this petition is DENIED in accordance with
13 Federal Rule of Appellate Procedure 34(a)(2), and Second
14 Circuit Local Rule 34(b).

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16 FOR THE COURT:
17 Catherine O'Hagan Wolfe, Clerk
18
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20 By: _____